HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.2076 of 2007

Dated:06.02.2007

Between:

G.Ramanaiah.

...Petitioner.

and

The Principal Secretary and others.

...Respondents

HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.2076 of 2007

ORDER:

Petitioner was assigned the contract to supply diet to the in-patients in District Hospital and M.Ch.Hospital, Vizianagaram. The rate, at which the amount has to be paid, is decided by the Commissioner of A.P.Vaidya Vidhana Parishad, 2nd respondent herein, with the approval of the 1st respondent. By the time, the contract of the petitioner commenced, the rate was Rs.10/- per patient. Acting on the representations made by the Association of Diet Contractors, the 1st respondent issued G.O.Ms.No.255, dated

20.06.2003, directing enhancement of diet charges from Rs.10/- to Rs.15/-, for ordinary patients, and Rs.15/- to Rs.20/-, for T.B. patients. The 2nd respondent adopted the said rates with effect from 30.09.2004. The grievance of the petitioner is that the 2nd respondent ought to have enforced the figures with effect from the date of G.O., i.e., 20.06.2003. He seeks appropriate directions in this regard.

Heard the learned counsel for the petitioner, the learned Government Pleader for Medical Health and Family Welfare and the learned Standing Counsel for respondents 3 to 5.

It is a matter of record that the amount to be paid per patient, as on the date, on which the contract was assigned to the petitioner, was Rs.10/-. The 1st respondent issued G.O.Ms.No.255, dated 20.06.2003, enhancing the same from Rs.10/- to Rs.15/-. In para 3 of the said G.O., it was stated that the revised rates have come into force with immediate effect. The 2nd respondent has adopted these rates only w.e.f., 30.09.2004. The reasons therefor are not before

this Court.

The question as to whether the revised rates would come into force from the date on which the 1st respondent passed orders, or any other date fixed by the 2nd respondent, is no longer *res integra.* In W.A.No.280 of 2000 and batch, a Division Bench of this Court passed an order on 19.07.2001, to the effect that the revised rates must be enforced with effect from the date of orders passed by the Government i.e. the 1st respondent. That was in relation to the previous spell and the subject matter was G.O.Ms.No.257, dated 31.05.1995. The order passed by the Division Bench became final. Further, in relation to the payments based on G.O.Ms.No.255, dated 20.06.2003, a learned Single Judge of this Court held in W.P.No.16179 of 2004 that the rates must be implemented with effect from the date of G.O. Reliance was placed upon the order of a Division Bench of this Court in W.A.No.280 of 200 and batch.

Hence, the Writ petition is allowed, directing that the petitioner shall be paid the rates revised under G.O.Ms.No.255, dated 20.06.2003, with

effect from the date of the G.O., subject to fulfilment of the conditions therein. There shall be no order as to costs.

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Dt.06.02.2007

L.NARASIMHA REDDY, J

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